

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Clifford A. Lowe, et al.	)	
	)	CASE NO. 1:19-CV-748-JG
Plaintiffs	)	
v.	)	JUDGE JAMES S. GWIN
	)	
ShieldMark, Inc., et al.	)	
	)	
Defendants	)	

**NOTICE OF APPEAL  
TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT  
FROM FINAL ORDER OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

NOTICE IS HEREBY GIVEN that **PLAINTIFFS** in the above-captioned case,  
**CLIFFORD A. LOWE (“LOWE”)** and **INSITE SOLUTIONS, LLC, n/k/a SPOTA LLC**  
**(“plaintiff INSITE”)**, the same being all plaintiffs in the action, hereby appeal to the **UNITED**  
**STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT** from:

- Opinion & Order (224), dated April 21, 2023, Resolving Doc. 199, 203, 218 & 223), (1) under 35 U.S.C. § 285, finding the case “exceptional” and awarding Defendants their patent litigation attorneys’ fees incurred after December 2021; (2) in the alternative, under its inherent powers, awarding Defendants their patent litigation attorneys’ fees incurred after December 2021; and (3) under its inherent powers, awarding Defendants attorneys’ fees and costs arising from Plaintiffs’ violation of L.P.R.2.2; and
- Judgment/Order (Doc. 225), dated April 21, 2023, dismissing this case pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Pursuant to prior Notice (Doc. 222), also being appealed to the **UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT** as *Lowe v. Shieldmark, Inc.*, Docket No.: 2023-1786, are: (1) the district court's dismissal with prejudice of the patent infringement claim of plaintiffs for lack of subject matter jurisdiction, (2) or in the alternative, granting defendants' patent invalidity summary judgment motion; (3) as to plaintiff InSite's claim for false advertising under the Lanham Act 42(a)(1)(B), granting defendant Shieldmark summary judgment, and denying the motion of plaintiff Insite for summary judgement on that claim; and (4) denying plaintiffs' motion for judicial recusal pursuant to 28 U.S.C. §144, 28 U.S.C. §455(a), and 28 U.S.C. §455(b)(1).

Dated: April 25, 2023

Respectfully submitted,

/s/ Ray L. Weber

Ray L. Weber (0006497)

Laura J. Gentilcore (0034702)

RENNER, KENNER, GREIVE, BOBAK,

TAYLOR & WEBER

106 South Main Street, Suite 400

Akron, OH 44308

Telephone: (330) 376-1242

Fax: (330) 376-9646

E-mail: [rlweber@rennerkenner.com](mailto:rlweber@rennerkenner.com)

E-mail: [ljgentilcore@rennerkenner.com](mailto:ljgentilcore@rennerkenner.com)

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing

**NOTICE OF APPEAL  
TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT  
FROM FINAL ORDER OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

has been filed electronically on April 25, 2023, with the United States District Court for the Northern District of Ohio. Notice of the filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Ray L. Weber  
Ray L. Weber